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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/997,713
Filing Date: November 29, 2001
Appellant(s): FRIEDMAN ET AL.

Chunhsi Andy Mu
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 28 October 2008 appealing from the Office action mailed 28 November 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,546,405 B2	GUPTA et al	4-2003
6,366,296 B1	BORECZKY et al	4-2002
5,884,256	BENNETT et al	3-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gupta et al** (US 6,546,405 B2), **Boreczky et al** (US 6,366,296 B1) and **Bennett et al** (US 5,884,256).

Claim 1:

Gupta discloses a *method comprising automatically identifying a plurality of desired portions of a multimedia presentation by user's equipment*. Gupta teaches an annotation file that is created for a multimedia presentation; Gupta's *annotating temporally-dimensioned multimedia content* is achieved when a *human viewing temporally-dimensioned content* will annotate, comment upon, and augment the multimedia document (abstract; col. 2, lines 13-64). Thus, *identifying at least one desired portion* occurs (col. 2, lines 13-35). The resulting *annotation entry 300* records *at least one pointer corresponding to the at least one desired portion* (col. 10, line 65-

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col. 11, line 35), in an *annotation collection 420* (the claimed annotation file; see figs. 3 and 4).

Gupta discloses *using the at least one pointer for automatically presenting only the one or more portions of the multimedia presentation*. Gupta teaches a multimedia document player (col. 2, lines 36-48) that is one in which a user can select a temporal annotation from a list, at which point the multimedia document player immediately proceeds to the presentation of the multimedia document at the particular relative time (col. 2, lines 48-64). In this immediate procession, Gupta is *automatically* performing the function of going to the particular relative time, showing only what is annotated at that time from programming playback, and eliminating any other portions of the multimedia presentation than those desired.

Gupta discloses a database containing a *first pointer corresponding to a first desired portion* and a *second pointer corresponding to a second desired portion*, both *pointers* being separated in the presentation by an intervening portion, and using the *pointers to automatically present only the plurality of desired portions of the multimedia presentation without presenting any other portion*. Gupta teaches temporal annotations that provide a mechanism by which the user can pinpoint a particular point (create a pointer) in the content of a multimedia document and later immediately view the content at that particular point (col. 17, lines 16-38), wherein the system will only display the content that is associated with the different marked points in the content of the multimedia presentation.

Gupta discloses *automatically identifying at least one desired portion of a multimedia presentation*, which is accomplished by user's equipment. Gupta's *annotating* is disclosed as requiring a human's input to determine the *desired portion*, and Gupta does not explicitly teach that such action is *automatically performed by user's equipment*. Also in claim 1, *automatically presenting only the one or more portions...without displaying the annotations* does not appear to be an explicit part of Gupta, where an ongoing display will typically present the annotations with the material retrieved. However, both of these shortcomings are remedied in **Boreczky**, where automatic detection of desirable portions of a *multimedia presentation* are used in a *media browser using multimodal analysis*, with a resulting display of only playback content, as per playback region of Boreczky that is shown without annotating content as well. In Boreczky, features in a media file are preferably automatically time-wise evaluated in the media file (abstract; col. 1, lines 60-67; col. 2, lines 1-7). In the user computing environment, Boreczky shows in fig. 13, a mapping module 115 can automatically generate metadata values for all of the selectable features (col. 11, lines 52-63), so that *automatically identifying* is accomplished *by user's equipment*. Further, in Boreczky, the closest to an illustration of the actual annotations are timeline indicators, but these are not part of the media playback window. Of course, a similar line of reasoning might also be advanced for Gupta, where the media display is not directly incorporated with the annotations that might appear at another location. The media playback regions in such systems as this provide a non-annotation containing

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presentation. It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention that the annotation collection developed by Gupta for multimedia by obtained by automatically considering the media as per Boreczky, and then presented in an ordinary media display region with no annotations supplied there, so as to alleviate the need for Gupta's human input and make a more substantial set of features available for user access, with the overall result of producing a more-desirable uncluttered view of the media. Motivation lies at least in Gupta, where the goal is to build as comprehensive a set of annotations as is possible, and this would be directly facilitated with the Boreczky teachings of machine-generated metadata.

Boreczky discloses automatically displaying the plurality of desired portions *without user interaction*. Boreczky explains that the system provides feature information to the user based on automatically identified features which eliminates the need for a user to manually mark portions of the media file for later retrieval; the system automatically identifies, generates and provides feature information to the user (col. 2, lines 1-7, 13-17; col. 3, lines 35-45; col. 5, lines 64-67; col. 6, lines 1-11; col. 11, lines 52-60).

Gupta/Boreczky does not specifically teach automatically displaying the plurality of desired portions *without user interaction*. However, **Bennett** discloses a system for providing real-time use and manipulation of transcribed testimony by attorneys, judges, court reporters, witnesses and clients (abstract; col. 1, lines 23-28). Bennett teaches that a user is enabled to select portions of text and associate supplemental information

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with the text; and then, during review, the user can sequentially view the selected portions of the text by skipping unselected portions of the text (abstract; col. 23, lines 21-40). Bennett also teaches pointers that are associated with recorded information (col. 13, lines 30-56; col. 18, lines 25-64). Bennett teaches automatically providing desired (marked) portions without user interaction (col. 25, lines 37-667; col. 26, lines 1-33). Thus, it would have been obvious to one ordinarily skilled in the art at the time of invention to modify Gupta/ Boreczky to include Bennett's teaching of automatically providing a user with marked information while reviewing a presentation because the user is provided with content of interest on-the-fly while reviewing a presentation, being information that has been marked by the user or by the system, or additional information that is associated with portions of the presentation, which saves the user time by not having to manually search for such content.

Claim 2:

See claim 1. Gupta's multimedia document player is capable of creating and playing the recorded program file, so that only the at least one desired portion appears, to the exclusion of others.

Claims 3 and 4:

The application of a predetermined set of criteria in identifying at least one desired portion (claim 3) is seen in Gupta, where the user can select temporal annotations which satisfy various criteria for inclusion in the display of the multimedia document (col. 2, lines 48-54), these being based upon a preference of an individual

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viewer (claim 4), such as a particular date. Boreczky echoes this capability of implementing user desire, when the user preferably selects at least one feature of the media file using the media feature selection 4 (col. 11, lines 34-51).

Claim 5:

See claim 1. The annotation file that further contains information related to the at least one desired portion reads upon the annotation in Gupta holding additional information, relative to the multimedia document, as in the inclusion of user authored content in content field 310 of a Gupta temporal annotation entry 30 (col. 4, lines 52-63).

Claims 6, 7, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gupta/Boreczky/Bennett** and **Kelly et al** (US 5,907,322).

Claim 6:

See claim 1. Bennett teaches that a user's terminal can be located off-site and other terminals may be connected to the network, wherein all the users connected to the network can receive and view the same content at remote locations (abstract). Gupta/Boreczky/Bennett does not explicitly teach broadcasting an event to a first location and simultaneously identifying a desired portion of the event at a location remote from the first location. Gupta does not contain explicit teachings of such a mode of transmission, being more concerned with what happens at the site of the multimedia document player itself, and a similar problem exists with the player environment of Boreczky. However, **Kelly** discloses a television event marking system that allows for

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bookmarking viewer selected TV broadcast events (abstract), and storing a set of event-identifier data associated with the set of selected broadcast events (col. 1, lines 54-67).

Kelly further teaches that an activity table of viewer selection information is transmitted to an on-line database (col. 1, lines 54-67), this being at a location remote from the viewer site. It would have been obvious to one having ordinary skill in the art at the time of invention to employ Boreczky's permitting of an annotation file to be simultaneously performed relative to the broadcasting, where such broadcasting involves, as in Kelly, transmitting to a viewing system the annotation file as a transmission that is distinct from the broadcast of the event for selective playback as per Gupta, so as to increase the range of options in obtaining and accessing a variety of different annotations for content being seen.

Claim 7:

See claim 6. Kelly's bookmarking follows the selected broadcast event, and is thus the annotation file that is transmitted subsequent to the event.

Claim 18:

See claim 6. Gupta's author's creation of entries in the collection 420 reads upon *an editor to create an annotation file*. The use of a first and second transmission medium for the presentation and the annotation file is suggested by an extension to Kelly's broadcast environment, when receiving the additional Gupta annotations.

Claim 20:

See claims 3 and 5. Gupta teaches an annotation file containing information related to at least one portion of a multimedia presentation.

(10) Response to Argument

A. Appellant argues, “claim 1 recites...’using the plurality of pointers to automatically present only the plurality of desired portions of the multimedia presentation without presenting any other portion of the multimedia presentation including the intervening portion, *wherein the second desired portion is displayed automatically after the first desired portion without user interaction*.’...Gupta and Boreczky fail to teach or suggest the above-noted features related to displaying automatically a second desired portion after a first desired portion without user intervention. The Office relies on Bennett to allegedly cure the deficiencies of Gupta and Boreczky. However...Bennett fails to cure the deficiencies of Gupta and Boreczky in this respect; rather, Bennett is deficient as discussed below...Bennett is directed to a networked stenographic system with real-time speech to text conversion for down-line display and annotation...The Final Office Action...asserts that the pointers disclosed in Bennett...serve as automatic markings of portions that can be used to display recorded material...the Final Office Action... contends that Bennett...discloses that the desired (marked) portions can be provided automatically without user interaction...As described in Bennett...a ‘mark’ key 273 associated with a keyboard 253 can be used to mark any question-&-answer...for later reference...Even assuming...that the use of mark key 273 in conjunction with quick-up key 275 and/or quick-down key 277 may appropriately be analogized to using a plurality of pointers to automatically present only a plurality of desired portions of a multimedia presentation without presenting any other portion of the multimedia presentation including an intervening portion...the utilization still requires the user/examining attorney

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to manually interact with at least one of...key 275 and...key 277 to obtain the desired Q & A's...Bennett...discloses alternatives using a...key 278...key 279, and...key 281.

These alternatives require user interaction, and thus, fail to teach or suggest the above-noted features for similar reasons. Thus, Bennett clearly requires user interaction to move between marked portions." (page 4, last 2 paragraphs; page 5, lines 1-26).

In response, **Gupta** discloses that as a user views multimedia content and notices, for example, a noteworthy gesture shown in a video window at a relative time from the beginning of the video, at that time, the user can create a temporal annotation entry (marked content), (col. 18, lines 12-22). The user is also enabled to enter data (annotations) describing the nature of the gesture for storage, and data representing a more detailed description of the gesture and its significance for storage (col. 18, lines 23-30). The temporal annotation entry can be used by the user to immediately display the portion of a motion video and audio content at which the gesture is made, to quickly view the gesture (col. 18, lines 34-37). Gupta explains that the user can also cause the multimedia player to redisplay multimedia content, to start playback of temporally-dimensioned content (marked portions) of multimedia content and respective user-authored content (annotations), which is displayed in a separate window (col. 18, lines 38-52). Gupta discloses that multimedia document player causes temporal display module to set current relative time to a retrieved relative time and to start playback of temporally-dimensioned content of a multimedia document, for example, in jumping to the retrieved relative time in the playback of motion video content, temporal display module selects from motion video content, a frame whose relative time within the

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motion video content is near the retrieved relative time and displays the selected frame in the video window and proceeds to display the sequence of frames subsequent to the selected frame, such that playback of motion video content proceeds from the selected frame (col. 17, lines 20-33). Gupta explains tat each temporal annotation provides a mechanism by which the user can pinpoint a particular point in the temporally-dimensioned content of a multimedia document and later immediately view the temporally-dimensioned content at that particular point (col. 17, lines 34-38). Gupta does not specifically teach that the multimedia presentation displays only the marked portions, which are automatically displayed one after the other without user interaction. However, **Bennett** discloses mark tools for navigating a plurality of marked questions (col. 18, lines 25-32) by using a plurality of mark keys. Bennett explains that a terminal can be used to mark positions on an audio tape, store and associate each position indication with a corresponding key-stroke and that the terminal can be used to display the position indicator and quickly locate the desired audio manually (col. 25, lines 49-58). Bennett also explains that a communication link can be used by the terminal to communicate control signals to the tape recorder so as to automatically position and playback previously recorded audio upon request (col. 25, lines 59-62). Bennett further explains that using synchronization for locating and playing audio and video is a valuable tool for a user, such as an attorney, because if the attorney wants to play portions of the audio or video, for example, during trial, the attorney may use the lexical searching capabilities (marks) of the terminal to locate the desired Q & A's, and may

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then automatically play the associated audio or video back for the judge and jury (col. 26, lines 27-33).

B. Appellant argues, “claim 6 recites...’the second desired portion being automatically displayed after the first desired portion without user interaction’...claim 6 recites ‘transmitting *from* the location remote from said first location, to a viewing system the annotation file as a transmission that is distinct from the broadcast of the event...’... Kelly fails to disclose such features...Kelly merely describes transmitting an activity table *to* an on-line database...” (page 6, second paragraph).

In response, **Gupta** discloses marked video content being displayed separate from the user-authored annotations; that is, the transmission of the user-authored annotations is distinct from the video content (col. 17, lines 2-9; col. 18, lines 52-53). Gupta explains that a multimedia document may be stored locally within a client computer and the temporal annotation database can be stored remotely (col. 5, lines 8-18). **Kelly** discloses a method of marking TV broadcast events so that associated information can be retrieved from an on-line service (remote location). The user can mark a televised event (being broadcasted to a first location) for later recall (col. 2, lines 38-48). Kelly discloses a system for marking TV broadcast events by selecting one or more events and storing a set of data associated with each selected event as an activity record (AR) in an activity table (AT). Kelly explains that the AT with the set of event identifiers is transmitted to an on-line database (remote location) having information relating to TV program schedules and other information and related website hotlinks to generate a set of associated network locations, which can be used by the viewers for

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access to, and display of the generated set of internet locations or websites associated with the selected events (col. 1, lines 54-67).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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